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March 26, 2004

COMMENT SOUGHT ON REQUESTS FOR WAIVER OF WIRELESS LOCAL NUMBER PORTABILITY REQUIREMENTS

(CC Docket No. 95-116)

Comments Date: April 12, 2004
Reply Comments Date: April 22, 2004

Under the Commission's wireless local number portability (LNP) rules, commercial mobile radio service carriers were required to support number portability in the largest 100 Metropolitan Statistical Areas (MSAs) by November 24, 2003.¹ Carriers are required to support number portability in areas outside the largest 100 MSAs within six months after receiving a request for number portability or by May 24, 2004, whichever is later.²

On March 18, 2004, Yorkville Telephone Cooperative, Inc. and its subsidiary Yorkville Communications, Inc. (collectively, Yorkville) filed a petition seeking an extension of the May 24, 2004, LNP implementation deadline until August 24, 2004.³ On March 23, 2004, TMP Corp. and TMP Jacksonville, LLC (collectively, the TMP Companies) filed a petition seeking a waiver of the May 24, 2004, implementation deadline and requesting an extension of time until

¹ See 47 C.F.R. § 52.31; Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184 and CC Docket No. 95-116, *Memorandum Opinion and Order*, 17 FCC Rcd 14972 (2002) (*2002 Forbearance Order*).

² See Telephone Number Portability, CC Docket No. 95-116, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7314, para. 137 (1997); *2002 Forbearance Order*, 17 FCC Rcd at 14986.

³ Yorkville also seeks an extension of time to support roaming nationwide by customers with pooled or ported numbers and to participate in thousands-block number pooling. See Telephone Number Portability, CC Docket No. 95-116, Petition for Limited Waiver and Extension of Time to Port Numbers to Wireless Carriers, to Support Nationwide Roaming of Ported Numbers and to Participate in Thousands-Block Number Pooling from Yorkville Telephone Cooperative, Inc. and Yorkville Communications, Inc., filed March 18, 2004.

November 24, 2004, to support porting.⁴ On March 24, 2004, Choice Wireless, LC, filed a petition seeking an extension of the May 24, 2004, implementation deadline until September 24, 2004.⁵

We seek comment on the issues raised in these petitions. Interested parties may file comments on or before April 12, 2004. Reply comments are due April 22, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶ Comments and reply comments should be filed in the docket number, CC Docket No. 95-116.

Requests for waiver of the Commission's rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's rules unless otherwise provided. Because of the policy implications and the potential impact of this proceeding on consumers, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules.⁷ *Ex parte* presentations that are made with respect to the issues involved in the petitions will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's rules.⁸

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand

⁴ Telephone Number Portability, CC Docket No. 95-116, Petition for Waiver of Section 52.31(a) of the Commission's Rules from TMP Corp. and TMP Jacksonville, LLC, filed March 23, 2004.

⁵ Telephone Number Portability, CC Docket No. 95-116, Petition for Waiver of Section 52.31(a) of the Commission's Rules from Choice Wireless, LC, filed March 24, 2004.

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

⁷ 47 C.F.R. §§ 1.1200(a), 1.1206.

⁸ 47 C.F.R. § 1.1206(b).

deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission

The full text of the petitions and responsive comments will be available electronically on the Commission's ECFS under CC Docket No. 95-116. In addition, copies of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Documents may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY) or Pam Slipakoff, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-7705 (voice) or (202) 418-0484 (TTY).

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